

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

Vickery
PC-T

FILE: B-220572.2 **DATE:** September 30, 1985
MATTER OF: Firearms Training Systems, Inc.

DIGEST:

Protest against agency use of allegedly proprietary data in competitive solicitation, not filed until after proposal due date, is dismissed as untimely since protest basis was apparent from the face of the solicitation. 4 C.F.R. § 21.2(a)(1) (1985).

Firearms Training Systems, Inc. (FTS), protests the disclosure by the United States Army of allegedly proprietary data in solicitation No. DABT60-85-R-0155.

FTS contends that in late 1984, it had discussions with Army personnel and, in December 1984, submitted an unsolicited proposal containing proprietary data. On August 6, 1985, the above solicitation was issued and FTS submitted a proposal in response. FTS states that the Army intends to award the contract to another firm.

We dismiss FTS's protest as untimely under 4 C.F.R. § 21.2(a)(1) (1985), since it was not filed prior to the closing date for receipt of proposals and is based on an alleged impropriety which was apparent prior to the closing date. Upon review of the solicitation, FTS should have known that its allegedly proprietary data was being used, but participated in the procurement before filing its protest.

A handwritten signature in cursive script, reading "R. Strong".

Robert M. Strong
Deputy Associate General Counsel

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